

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-121701-001 DT

10/29/2015

HON. JOHN REA

CLERK OF THE COURT

J. Sidney/A. Olson

Deputy

STATE OF ARIZONA

TAMARA BARNETT

v.

JASON ERIC ANDERSON (001)

DOB: 08/18/1972

TARA DEGEORGE

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE - IMPRISONMENT AND PROBATION

9:07 a.m.

Courtroom SCT 6B

State's Attorney: Tamara Barnett

Defendant's Attorney: Tara Degeorge

Defendant: Present

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

Discussion is held regarding Defendant possibly rejecting probation.

9:18 a.m. Court stands at recess.

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9:20 a.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Misconduct Involving Weapons

Class 4 Felony

A.R.S. § 13-3101, 3102, 3105, 701, 702, and 801

Date of Offense: 05/12/2015

Non Dangerous - Non Repetitive

OFFENSE: Count 2 Possession or Use of Marijuana

Class 6 Felony

A.R.S. § 13-3401, 3405, 3418, 901.01(H), 701, 702, and 801

Date of Offense: 05/12/2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2.5 year(s) from 10/29/2015

Presentence Incarceration Credit: 172 day(s)

Presumptive

Sentence is concurrent with CR2014-112502-001.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

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The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 2: For a period of 2 years.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

FINE: Count 2 - Total amount of \$1,372.50, which includes surcharges of 83%, payable in an amount to be determined per month.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

WARRANT CHARGE: Count 2 - \$45.00.

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 17: Count 2: Complete a total of 24 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

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IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Count 3, allegation of on probation and allegation of prior felony convictions.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 2: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The presentence investigation report is filed under CR2015-121701-001.

Pursuant to the Plea Agreement,

Defendant shall forfeit any interest in the weapon that was seized and Defendant acknowledges that this case is a strike under Prop 200 and that he is not probation eligible.

9:32 a.m. Matter concludes.

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IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. JOHN REA
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)